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15 Attorneys for Plaintiff, Andrea Love

16
17 **UNITED STATES DISTRICT COURT**
18
19 **CENTRAL DISTRICT OF CALIFORNIA**

20
21 **ANDREA LOVE**, an individual,

22 Case No.: 2:23-cv-3122

23 Plaintiff,

24 vs.
25 **ELLEN STONE**, an individual; and DOES 1
26 through 25, inclusive

27 **PLAINTIFF ANDREA LOVE'S EX PARTE
28 APPLICATION TO CORRECT FILING
OF AN UNREDACTED MOTION**

29 Honorable John F. Walter

30 Defendants.

31 Complaint Filed: 2.28.2023
32 LASC Case No.: 23STCV04399

33 No hearing date set

34
35 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

36 Pursuant to the Federal Rules of Civil Procedure and Local Rule 7-19 Plaintiff Andrea Love
37 respectfully submits this ex-parte application to withdraw Plaintiff Andrea Love's Motion to
38 Remand this case to state court (Docket. No. 29) and to refile a redacted version of the exact same
39 motion in lieu of the prior unredacted filing.

This ex parte application is made on the grounds that Plaintiff's counsel inadvertently filed documents within the motion that contain unredacted information, namely Defendant's birthdate that must be redacted per the local and federal rules and that there is information contained therewith that would be optimal if redacted.

Plaintiff's counsel understands the gravity of this error and will endeavor to avoid making such omissions in the future.

Pursuant to Local Rule 7-19, on June 20, 2023 (among other instances) Plaintiff's counsel called opposing counsel Brooke Hammond Of Counsel at Littler Mendelson (address: 2049 Century Park East, 5th Floor, Los Angeles, CA 90067-3107, Telephone: 310.772.7219) at 11:34 a.m. and she didn't pick up. Counsel for Defendant stated they would oppose this application.

Dated: June 20, 2023

LAW OFFICES OF JASON M. INGBER

By: /s/ Jason M. Ingber
Jason M. Ingber

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff Andrea Love (“Plaintiff”), by and through her attorney of record, Jason M. Ingber, filed Plaintiff’s Motion to Remand this case to state court on June 16, 2023 (Docket No. 29.) (“Motion”) without realizing certain personal identifying information had not been properly redacted. (See accompanying Declaration of Jason M. Ingber (“Ingber Declaration”))

Upon realizing this omission, Plaintiff's counsel called opposing counsel to confer as to this ex-parte application but opposing counsel did not answer. (*See* Ingber Declaration)

8 In the interests of justice, Plaintiff asks this Court to grant Plaintiff leave to re-file a
9 properly redacted version of the Motion. (See *Baker v. FirstCom Music a Unit of Universal Music-*
10 *Z Tunes, LLC* C.D.Cal. Jan. 16, 2018, No. 16-cv-08931 VAP (JPRx)) allowing a Plaintiff to refile a
11 redacted version of an unredacted filing that Plaintiff had filed unredacted on more than one
12 occasion “in the interests of justice”.) This Court has full discretion over its own docket and
13 calendar as there is a ‘well established’ principle that “[d]istrict courts have inherent power to
14 control their dockets.” (*Atchison, Topeka & Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071,
15 1074 (9th Cir. 1998) (alteration in original) (internal quotation marks omitted) (See also *United*
16 *States v. United States Dist. Court* (9th Cir. 2012) 694 F.3d 1051, 1058 “the district court has
17 inherent power “to control the disposition of the causes on its docket with economy of time and
18 effort for itself, for counsel, and for litigants”.).

19 Therefore, Plaintiff respectfully requests this Court allow Plaintiff to either withdraw the
20 Motion (Docket No. 29) to file a new, properly redacted Motion, or, in the alternative to
21 completely strike Exhibits D and I to the Motion, or place the Motion, in its entirety, under seal.

22 Plaintiff's counsel hereby assures this will be the last time this Court has to deal with this
23 mistake in this proceeding or any other proceeding before this Court. (*See* Ingber Declaration)

Dated: June 20, 2023

Respectfully submitted,

LAW OFFICES OF JASON M. INGBER

By: /s/ Jason M. Ingber
JASON M. INGBER, ESQ.
Attorney for Plaintiff

1 **PROOF OF SERVICE**
2 CASE NO.: 2:23-CV-3122
3 LASC CASE NO.: 23STCV04399

4 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
6 not a party to the within action; my business address is 16200 Ventura Boulevard, Suite 216, Encino,
CA 91436.

7 On June 20, 2023 I served the foregoing documents described as: **PLAINTIFF ANDREA**
8 **LOVE'S EX PARTE TO CORRECT FILING OF AN UNREDACTED MOTION;**
9 **DECLARATION OF JASON M. INGBER IN SUPPORT OF PLAINTIFF'S EX-PARTE**
10 **APPLICATION** on the interested parties as follows:

11 **SEE ATTACHED SERVICE LIST**

12 () **By Envelope** - by placing () the original () a true copy thereof enclosed in sealed envelopes
13 addressed as above and delivering such envelopes:

14 () **By Mail:** As follows: I am "readily familiar" with this firm's practice of collection and
15 processing correspondence for mailing. Under that practice it would be deposited with the
16 U.S. postal service on that same day with postage thereon fully prepaid at West Hollywood,
17 California in the ordinary course of business. I am aware that on motion of the party served,
18 service is presumed invalid if postal cancellation date or postage meter date is more than one
19 day after date of deposit for mailing in affidavit.

20 () **By Facsimile Transmission:** On _____, 2023 at _____ .m., I caused the above-named
21 document to be transmitted by facsimile transmission, from fax number (818) 815-2737, to
22 the offices of the addressee(s) at the facsimile number(s) so indicated Proof of Service List
23 below. The transmission was reported as complete and without error. A copy of the
24 transmission report properly issued by the transmitting facsimile machine is attached hereto.

25 (X) **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the
26 parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the
27 person(s) at the e-mail address listed above. My electronic notification address is zs@rglawyers.com.
28 I did not receive, within a reasonable time after the transmission, any electronic message or other
indication that the transmission was unsuccessful.

(X) **STATE** I declare under penalty of perjury under the laws of the State of California that
the above is true and correct. I declare that I am employed in the office of a member of the
bar of this court at whose direction the service was made.

Executed on June 20, 2023 at Encino, California.

27 */s/ Jason M. Ingber*

28 JASON M. INGBER

1 **PROOF OF SERVICE LIST**

2 CASE NO.: 2:23-CV-3122
3 LASC CASE NO.: 23STCV04399

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